

103^D CONGRESS
1ST SESSION

S. 1347

To impose an excise tax on lead and lead products, to create a Lead Abatement Trust Fund, and to create a program under which States and certain political subdivisions thereof receive grants from such Trust Fund, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3 (legislative day, JUNE 30), 1993

Mr. BRADLEY introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To impose an excise tax on lead and lead products, to create a Lead Abatement Trust Fund, and to create a program under which States and certain political subdivisions thereof receive grants from such Trust Fund, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lead Abatement Trust
5 Fund Act of 1993”.

1 **SEC. 2. EXCISE TAX ON LEAD AND LEAD PRODUCTS.**

2 (a) IN GENERAL.—Chapter 38 of the Internal Reve-
 3 nue Code of 1986 (relating to environmental taxes) is
 4 amended by adding at the end thereof the following new
 5 subchapter:

6 **“Subchapter E—Lead and Lead Products**

7 **“SEC. 4686. LEAD AND LEAD PRODUCTS.**

8 “(a) GENERAL RULE; RATE.—There is hereby im-
 9 posed a tax of 45 cents per pound on—

10 “(1) lead removed from any United States
 11 smelter, and

12 “(2) lead, and lead in any taxable lead product,
 13 entered into the United States for consumption, use,
 14 or warehousing.

15 “(b) LIABILITY FOR TAX.—

16 “(1) REMOVAL.—The tax imposed by sub-
 17 section (a)(1) shall be paid by the operator of the
 18 United States smelter.

19 “(2) IMPORTATION.—The tax imposed by sub-
 20 section (a)(2) shall be paid by the person entering
 21 the lead or taxable lead product into the United
 22 States for consumption, use, or warehousing.

23 “(c) DEFINITIONS.—For purposes of this subchapter:

24 “(1) PRIMARY LEAD.—The term ‘primary lead’
 25 means lead that has not been previously used in any
 26 finished or unfinished product.

1 “(2) SECONDARY LEAD.—The term ‘secondary
2 lead’ means lead that has been previously used in
3 any finished or unfinished product.

4 “(3) TAXABLE LEAD PRODUCTS.—The term
5 ‘taxable lead products’ means any product with more
6 than one percent of the dry weight of which is at-
7 tributable to lead or which contains more than five
8 pounds of lead.

9 “(4) UNITED STATES SMELTER.—The term
10 ‘United States smelter’ means any facility in the
11 United States at which primary or secondary lead is
12 smelted.

13 “(d) CREDIT OR REFUND FOR EXPORTS OF LEAD
14 OR TAXABLE LEAD PRODUCTS.—

15 “(1) IN GENERAL.—If—

16 “(A) tax was imposed by this section with
17 respect to any lead, and

18 “(B)(i) such lead was exported by any
19 person, or

20 “(ii) such lead was used as a material in
21 the manufacture or production of any taxable
22 lead product which was exported by any person,
23 credit or refund (without interest) shall be allowed
24 or made to the person who paid such tax.

1 “(2) CONDITIONS OF ALLOWANCE.—Rules simi-
2 lar to the rules of section 4662(e)(2)(B) shall apply
3 for purposes of this subsection.

4 “(3) REFUNDS DIRECTLY TO EXPORTER.—
5 Rules similar to the rules of section 4662(e)(3) shall
6 apply for purposes of this subsection.

7 “(e) NO TAX IF FUND’S UNOBLIGATED BALANCE
8 EXCEEDS \$2,500,000,000.—If, on October 1 of any cal-
9 endar year, the unobligated balance in the Lead Abate-
10 ment Trust Fund exceeds \$2,500,000,000, then no tax
11 shall be imposed under this section during the following
12 calendar year.”

13 (b) CLERICAL AMENDMENT.—The table of sub-
14 chapters for chapter 38 of such Code is amended by add-
15 ing at the end thereof the following new item:

 “SUBCHAPTER E—Lead or lead products.”

16 **SEC. 3. LEAD ABATEMENT TRUST FUND.**

17 (a) IN GENERAL.—Subchapter A of chapter 98 of the
18 Internal Revenue Code of 1986 (relating to trust funds)
19 is amended by adding at the end thereof the following new
20 section:

21 **“SEC. 9512. LEAD ABATEMENT TRUST FUND.**

22 “(a) CREATION OF TRUST FUND.—There is hereby
23 established in the Treasury of the United States a trust
24 fund to be known as the ‘Lead Abatement Trust Fund’,

1 consisting of such amounts as may be credited to such
 2 trust fund as provided in this section or section 9602(b).

3 “(b) TRANSFERS TO TRUST FUND.—There are here-
 4 by credited to the Lead Abatement Trust Fund amounts
 5 equivalent to the taxes received in the Treasury of the
 6 United States under section 4686 (relating to taxes on
 7 lead and lead products).

8 “(c) EXPENDITURES FROM TRUST FUND.—Amounts
 9 in the Lead Abatement Trust Fund shall be available, as
 10 provided in appropriations Acts, for purposes of making
 11 grants pursuant to the provisions of the Lead Abatement
 12 Trust Fund Act of 1993, and shall not be available for
 13 any other purposes.”

14 (b) CLERICAL AMENDMENT.—The table of sections
 15 for such subchapter A is amended by adding at the end
 16 thereof the following new item:

“Sec. 9512. Lead Abatement Trust Fund.”

17 **SEC. 4. AUTHORIZATION OF SPENDING FROM LEAD ABATE-**
 18 **MENT TRUST FUND.**

19 There is hereby authorized to be appropriated funds
 20 from the Lead Abatement Trust Fund for the purpose of
 21 evaluating and reducing lead-based paint hazards in ac-
 22 cordance with title X of the Housing and Community De-
 23 velopment Act of 1992.

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